

House Bill 90

By: Representative Coleman of the 144th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to provide definitions; to provide for the Public Service Commission to issue certificates of authority for cable television service providers in this state; to provide for the issuance, expiration, suspension, and revocation of such certificates; to provide for standards for customer service by cable television service providers; to provide for related matters; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, is amended by adding a new Article 6 to read as follows:

"ARTICLE 6

46-5-210.

As used in this article, the term:

(1) 'Cable service' means:

(A) The one-way transmission to subscribers of (i) video programming or (ii) other programming service; and

(B) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(2) 'Cable service provider' means any person, firm, partnership, corporation, or association offering cable service, other than a public provider.

(3) 'FCC' means the Federal Communications Commission.

(4) 'Public provider' has the same meaning as that term is defined in Code Section 36-90-2.

(5) 'Subscriber' means any private person lawfully receiving any cable service provided by a cable service provider by means of or in connection with a cable system.

46-5-211.

(a)(1) On and after January 1, 2006, no person other than a public provider shall provide or offer to provide cable service or enter into, offer to enter into, or renew a franchise to provide cable service in intrastate commerce in this state to any subscriber without first obtaining a certificate of authority from the commission.

(2) The commission shall have the authority to issue multiple certificates of authority upon a showing that an applicant will offer such cable service pursuant to the standards of the commission.

(3) A showing of public convenience and necessity is not a condition for the issuance of a competing certificate of authority.

(4) A certificate of authority shall authorize the cable service provider to enter into franchise agreements with local governments for the provision of cable service to subscribers within the local governmental unit.

(5) A certificate of authority shall be valid for a period of two years from the date of its issuance.

(b) A person who seeks a certificate of authority or seeks to renew a certificate of authority shall make an application to the commission which contains the information required by the commission's rules and regulations.

(c)(1) No later than September 30, 2005, the commission shall promulgate rules and regulations describing the information to be included in an application for certification or renewal of certification under this Code section and the criteria it will use in determining an applicant's capability of providing cable service in compliance with the standards of the commission regarding customer service.

(2) The commission shall conduct a public hearing on any application for a certificate of authority within 60 days following the filing of such application; and within 90 days following such filing, the commission shall issue its order approving or disapproving such application. The approval or disapproval of a certificate of authority shall be based upon the commission's determination of whether the applicant is capable of and will provide cable service in accordance with the customer service standards of the commission promulgated pursuant to this article.

(d) Any certificate of authority issued by the commission shall be subject to revocation, suspension, or adjustment where the commission finds upon complaint and hearing that a cable service provider has failed repeatedly or has failed willfully to meet the customer

1 service obligations to its subscribers imposed by this article or rules and regulations of the
2 commission issued pursuant to this article.

3 (e) The commission may deny an application upon a showing that the applicant or anyone
4 acting in concert with the applicant has a history of violations of laws, rules, or regulations
5 designed to protect the public. The commission may revoke any certificate issued pursuant
6 to this Code section where it finds that the cable service provider or anyone acting in
7 concert with the cable service provider has such a history, that any information on the
8 application was falsified or forged, that the cable service provider has acted unlawfully to
9 the detriment of the public while certificated, or for any other good and valid reason where
10 activities of the cable service provider are not in compliance with the standards for
11 customer service established by the commission. The commission shall be authorized to
12 adopt rules and regulations to implement this subsection. In any case where it is asserted
13 in good faith that the cable service provider is, has been, or may be about to become
14 involved in activities described in this subsection, any deadline imposed under this Code
15 section regarding the granting of certification shall be null and void until such time as such
16 assertions can be addressed.

17 (f) Upon the revocation or suspension of a certificate of authority, the cable service
18 provider shall cease operation in this state and shall cease collecting all fees and charges
19 from subscribers effective upon the order of the commission suspending or revoking such
20 certificate of authority. Any franchise agreement entered into by such cable service
21 provider may be terminated by the franchising authority upon the suspension or revocation
22 of the cable service provider's certificate of authority.

23 46-5-212.

24 No later than September 30, 2005, the commission shall promulgate rules and regulations
25 concerning standards for the provision of customer service to subscribers by cable service
26 providers. Such rules and regulations shall include requirements concerning cable system
27 office hours and telephone availability; cable service installations, outages, and service
28 calls; and communications between the cable service provider and the subscriber, including
29 standards governing bills and refunds. Such standards shall be at least as stringent as those
30 standards promulgated by the FCC pursuant to 47 U.S.C. Section 552(b) contained in 47
31 C.F.R. Section 76.309(c).

32 46-5-213.

33 On and after January 1, 2006, no local government entity within this state shall enter into
34 or renew a cable service franchise agreement with any cable service provider that does not
35 possess a current and valid certificate of authority from the commission."

SECTION 2.

This Act shall be applicable to all cable service franchise agreements entered into or renewed on or after January 1, 2006.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.